



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Translation

Applicant's or agent's file reference 903179	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2003/011180	International filing date (day/month/year) 01 September 2003 (01.09.2003)	Priority date (day/month/year) 24 September 2002 (24.09.2002)
International Patent Classification (IPC) or national classification and IPC H04B 7/38		
Applicant SANYO ELECTRIC CO., LTD.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising:	
a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:	
<input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).	
<input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.	
b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4. This report contains indications relating to the following items:	
<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand 27 February 2004 (27.02.2004)	Date of completion of this report 24 November 2004 (24.11.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/011180

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ The international application as originally filed/furnished
- ☐ the description:
- pages _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- pages _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.
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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-15	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-15	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations

Document 1: JP 2002-064424 A (Matsushita Electric Industrial Co., Ltd.), 28 February 2002
Document 2: JP 2002-084329 A (Matsushita Electric Industrial Co., Ltd.), 22 March 2002
Document 3: JP 2001-515301 A (Telefonaktiebolaget LM Ericsson (publ.)), 18 September 2001
Document 4: JP 5-110500 A (NEC Corp.), 30 April 1993

The inventions described in claims 1 to 15 do not involve an inventive step in the light of document 1 cited in the international search report and newly cited documents 3 and 4.

Document 1 (fig. 2) discloses a feature wherein a selection is made from among a plurality of modulation schemes having different multinary numbers by comparing the reception quality of the received data and the threshold values corresponding to each of the modulation schemes.

Document 2 defines the general state of the art in this technical field, and discloses communication using adaptive modulation wherein a modulation scheme is selected from among only those modulation schemes supported by the transmitting side device and the receiving side device.

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Document 3 (paragraphs [0021], [0048], and [0049]) discloses a feature wherein when a call is initiated, the channel characteristic of the RF link between a mobile station and a base station is measured and compared to corresponding threshold values, a determination is made whether to perform a link adaptation, and TCHs are allocated using a scheme supported by both the mobile station and the base station. Further, document 3 also discloses a feature wherein when link quality is sufficient to allow the use of a modulation scheme with a greater multinary number, the system uses the modulation scheme with a greater multinary number for TCHs.

Meanwhile, document 4 (paragraph [0029]) discloses a feature wherein the quality of a transmission pathway is measured using a call initiation request signal or call-response signal from a mobile station, and thus, a person skilled in the art could easily conceive of a constitution wherein the channel characteristic of an RF link disclosed in document 3 is measured using a call initiation request signal or call-response signal from a mobile station, as disclosed in document 4.